

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARNELL LEE JOHNSON,	:	
Plaintiff,	:	
v.	:	Case No. 3:06-cv-44-KRG-KAP
MR. DUTKO,	:	
Defendant	:	
DARNELL LEE JOHNSON,	:	
Plaintiff,	:	
v.	:	Case No. 3:06-cv-105-KRG-KAP
LIEUTENANT PIRROZZOLA, <u>et al.</u> ,	:	
Defendants	:	

MEMORANDUM ORDER

These matters have been referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On January 12, 2007, the Magistrate Judge filed a Report and Recommendation, docket no. 10 in Case No. 3:06-cv-44-KRG-KAP, docket no. 10 in Case No. 3:06-cv-105-KRG-KAP, recommending that the defendants' motions to dismiss, docket no. 8 in Case No. 3:06-cv-44-KRG-KAP, docket no. 8 in Case No. 3:06-cv-105-KRG-KAP, be granted and in addition that the complaints be dismissed for lack of prosecution.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No objections have been filed, and the time to do so has expired.

After de novo review of the record of this matter together with the Report and Recommendation, the following order is entered:

AND NOW, this 31st day of January, 2007, it is

ORDERED that defendants' motions to dismiss, docket no. 8 in Case No. 3:06-cv-44-KRG-KAP, and docket no. 8 in Case No. 3:06-cv-105-KRG-KAP, are granted. Plaintiff's complaints are dismissed with prejudice for failure to prosecute. The Report and Recommendation is adopted in each case as the Opinion of the Court. The Clerk shall mark these matters closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

Darnell Lee Johnson CE-3849
S.C.I. Mahanoy
301 Morea Road
Frackville, PA 17932